

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ISMAEL C [REDACTED],

Plaintiff,

v.

NAVIENT SOLUTIONS, INC.,

Defendant.

Case No. 0:16-cv-61049-UU

AMENDED JOINT STIPULATION OF FACTS

WHEREAS, plaintiff, Ismael C [REDACTED] (plaintiff), and Defendant, Navient Solutions, Inc. (NSI), wish to streamline the issues in this action and reduce the time and expense of certain discovery:

NOW THEREFORE, plaintiff, on the one hand, and NSI, on the other hand, by and through their undersigned counsel, hereby stipulate as follows:

1. NSI's call log showing calls to telephone number [REDACTED] between September 15, 2014 and May 18, 2016 produced in this case (Bates Nos. NSI 0000217-0000262) confirms:

- a. Between September 14, 2014 and May 18, 2016, NSI made a total of 756 calls to telephone number [REDACTED]
- b. NSI made 525 of the calls to telephone number [REDACTED] after the conversation with Plaintiff on June 18, 2015;

this litigation that NSI ever used or uses an ATDS or artificial or prerecorded voice in any respect whatsoever.

4. The parties agree this Joint Stipulation is confidential and will not be made public unless NSI makes it necessary for plaintiff to prove the issues stipulated to herein.

5. Facsimile signatures (email, etc.) on this agreement shall be deemed original, and the agreement may be signed in counterparts.

6. To the extent NSI makes it necessary for plaintiff to prove such issues at trial, the parties hereby agree is document is admissible at trial for purposes of proving NSI used an ATDS to place non-emergency telephone calls to plaintiff's cellular telephone after June 18, 2015.

7. NSI does not dispute anything listed in this Joint Stipulation.

Dated this 23rd day of January 2017.

Respectfully submitted,

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Attorney for Defendant,
Navient Solutions, Inc.

NAVIENT REPRESENTATIVE: My name is --
my name is Alysa Combit (phonetic). I'm calling
from Navient, the Department of Education Loan
Services.

MR. C[REDACTED]: Why are you calling me?

NAVIENT REPRESENTATIVE: We're reaching
out in reference to your student loan.

MR. C[REDACTED]: Well, I'm already making
payments. Look at -- online. Don't call me
anymore. If you call me anymore, I'm going to
report you that you're harassing me. I'm at work
right now.

NAVIENT REPRESENTATIVE: Well, you can
report it.

MR. C[REDACTED]: So don't call me --

NAVIENT REPRESENTATIVE: You can report
it.

MR. C[REDACTED]: -- anymore.

NAVIENT REPRESENTATIVE: Well, you gave
us permission --

MR. C[REDACTED]: Okay.

NAVIENT REPRESENTATIVE: -- so we'll
call you again.

MR. C[REDACTED]: I'm -- I'm making
payments, so --

NAVIENT REPRESENTATIVE: All right.

MR. C [REDACTED]: -- don't call me anymore.

NAVIENT REPRESENTATIVE: Talk --

MR. C [REDACTED]: Goodbye.

NAVIENT REPRESENTATIVE: Okay. Talk to
you later.

(Recording ends.)

(Testimony resumes as follows:)

THE WITNESS: Okay.

QUESTIONS BY MR. ALVAREZ:

Q. Ms. Hahn, would you characterize that as -- would you characterize the individual collector's talking over Mr. C [REDACTED] as rude?

A. I would say that there are some areas of opportunity for the employee.

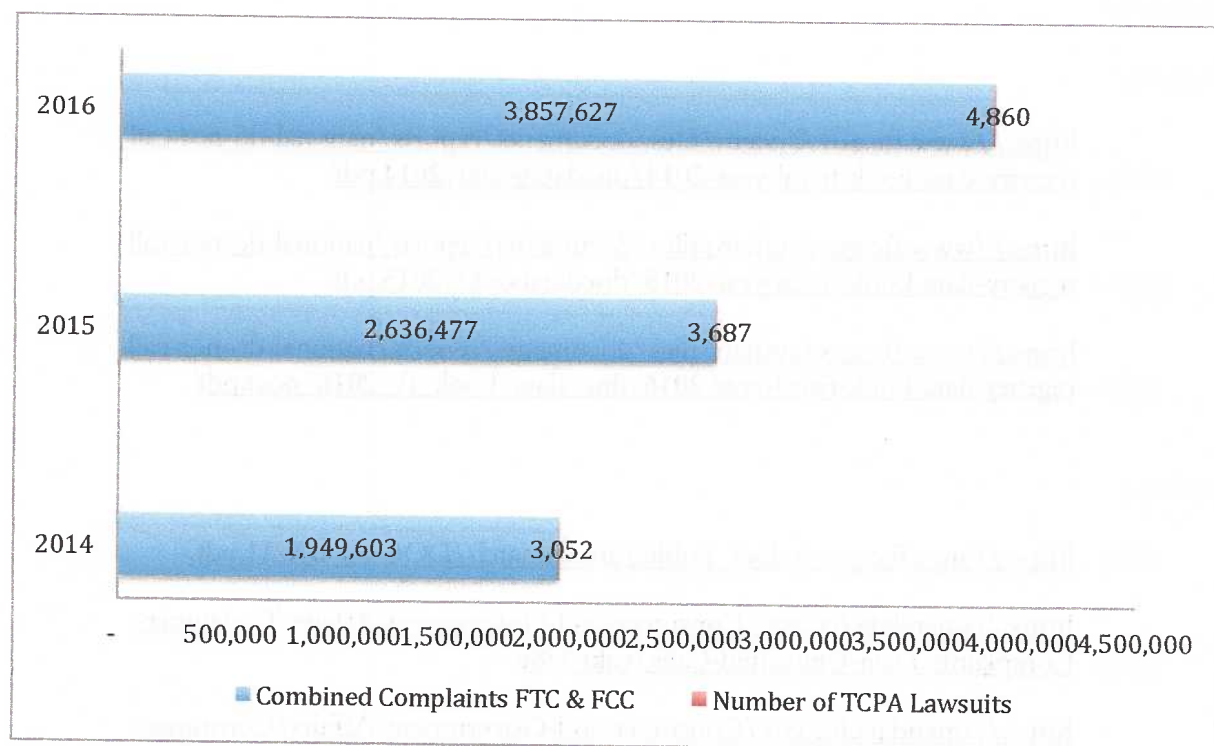
Q. Okay. And what areas of opportunity are there based on that recording?

A. If it were my employee, one of the things that I would coach them on would be to ask for them and not talk over them, so allow them to finish stating what they were going to. And then try to, again, go back and ask him to verify any information so that we can assist them.

Q. Sure. Okay.

And would you consider this individual

Comparing Robocall Complaints to TCPA Lawsuits



Complaints about robocalls

	FTC	FCC	Combined FTC & FCC
2014	1,734,603	215,000	1,949,603
2015	2,125,974	510,503	2,636,477
2016	3,401,614	456,013	3,857,627

TCPA lawsuits

2014	3,052
2015	3,687
2016	4,860

Sources of
information:

FTC Data

- 2014 <https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2014/dncdatabookfy2014.pdf>.
- 2015 <https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2015/dncdatabookfy2015.pdf>.
- 2016 https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2016/dnc_data_book_fy_2016_post.pdf.

FCC Data

- 2014 https://apps.fcc.gov/edocs_public/attachmatch/DOC-333676A1.pdf.
- 2015 <https://opendata.fcc.gov/Consumer-and-Government-Affairs/Consumer-Complaints-Data-Unwanted-Calls/vakf-fz8e>
- 2016 <https://opendata.fcc.gov/Consumer-and-Government-Affairs/Consumer-Complaints-Data-Unwanted-Calls/vakf-fz8e>

TCPA lawsuit
data

- All years <https://webrecon.com/2016-year-in-review-fdcpa-down-fcra-tcpa-up/>.

Margot Saunders
National Consumer Law Center
February 6, 2017